

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(ECF)

- - - - -:
CHEVRON CORPORATION, : 11 Civ. 0691 (LAK) (JCF)
: :
Plaintiff, : :
: :
- against - : :
: :
STEVEN DONZIGER, et al., : :
: :
Defendants. : :
- - - - -:
JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

MEMORANDUM
AND ORDER

This case arises out of a multi-billion dollar judgment obtained in Ecuador against Chevron Corporation ("Chevron") based on claims of environmental destruction caused by the activities of Texaco, Inc. prior to its acquisition by Chevron.¹ In this action, Chevron contends that the plaintiffs in the Ecuadorian litigation (the "Lago Agrio Plaintiffs" or "LAPs"), along with their attorneys and consultants, procured the judgment through fraud. Chevron has issued a subpoena duces tecum to Patton Boggs LLP ("Patton Boggs"), a law firm that has rendered services to the Ecuadorian plaintiffs

¹ A fuller picture of the factual and legal background of this controversy may be gleaned from the numerous opinions issued in this litigation and related cases. See, e.g., Chevron Corp. v. Naranjo, 667 F.3d 232 (2d Cir.), cert. denied, 133 S. Ct. 423 (2012); Chevron Corp. v. Donziger, 871 F. Supp. 2d 229 (S.D.N.Y. 2012); In re Chevron Corp., 709 F. Supp. 2d 283 (S.D.N.Y. 2010), aff'd sub nom. Chevron Corp. v. Berlinger, 629 F.3d 297 (2d Cir. 2011); In re Chevron Corp., 736 F. Supp. 2d 773 (S.D.N.Y. 2010).

since 2010. Although Patton Boggs is a non-party, Chevron has named it as a co-conspirator in this case.

Patton Boggs resisted the subpoena, arguing that the requested documents are protected from disclosure by the attorney-client privilege and the work product doctrine and that production would be unduly burdensome. On March 15, 2013, the Honorable Lewis A. Kaplan, U.S.D.J., issued a decision addressing Patton Boggs' objections. Chevron Corp. v. Donziger, 11 Civ. 691, 2013 WL 1087236 (S.D.N.Y. March 15, 2013) (the "March 15 Decision"). He noted that the scope of the subpoena had previously been narrowed, and he limited it further. Id. at *19-20, *29-30. Judge Kaplan then went on to find that, for three reasons, the attorney-client privilege and the work product doctrine posed less significant impediments to disclosure in this case than might be supposed. First, there were likely to be few attorney-client communications because the lawyers had interacted primarily with consultants, judges, and other lawyers rather than with the indigenous people who were the ultimate clients. Id. at *25-26. Second, to the extent that documents consisted of ordinary work product, Chevron had demonstrated substantial need for their disclosure based on the defendants' failure to cooperate in discovery. Id. at *26-28. And, third, even documents otherwise protected as attorney-client communications or opinion work product would be subject to

production to the extent that the crime-fraud exception applied.
Id. at *28-29.

Judge Kaplan then made specific findings with respect to the crime-fraud exception. He found probable cause to believe that a crime or fraud had been committed in connection with:

(1) Bribery of an Ecuadorian Judge, Nicolás Zambrano, in order to obtain a favorable outcome in the Ecuadorian litigation and allow the LAPs to compose the judgment, which was then filed in the judge's name, id. at *6-9, 28;

(2) Interference with an independent inspection of the pollution sites in Ecuador by (a) submitting an expert report that purported to be the work of Dr. Charles Calmbacher but contained views to which he did not subscribe, and (b) using duress and coercion to obtain the appointment of Richard Stalin Cabrera Vega as the "global" court-appointed expert and then submitting a report in Mr. Cabrera's name that was in fact written by lawyers and consultants retained by the LAPs, id. at *9-11, 28; and

(3) Perpetuation of a fraud on the court in a proceeding brought in the District of Colorado by Chevron pursuant to 28 U.S.C. § 1782, in which Patton Boggs was involved in the drafting and submission of an affidavit by Pablo Fajardo, one of the LAPs' attorneys, which provided false information about the appointment of Mr. Cabrera and the authorship of the report he submitted to the

Ecuadorian court, id. at *13-15, 28.

On the other hand, Judge Kaplan determined that there was not probable cause to believe that the expert reports intended to demonstrate that experts independent of Mr. Cabrera would reach the same conclusions as he had -- the so-called "cleansing reports" -- were tainted by crime or fraud. Id. at *15-18, *28-29.

In the wake of Judge Kaplan's decision, Chevron moved to compel Patton Boggs to produce documents listed on its privilege log. The disputed documents fall into two categories. The first consists of some 334 documents which Chevron contends should be produced because they are communications made in furtherance of a crime or fraud. The second, larger category comprises documents as to which Chevron claims that Patton Boggs' privilege log is insufficient. Judge Kaplan has referred to me the task of reviewing the documents in camera and determining, with respect to the first category, which must be disclosed because they fall within the crime-fraud exception, and, with respect to the second category, whether the privilege log is adequate and, if not, which documents should be produced. (Order dated July 8, 2013). I have reviewed the documents, and my analysis follows.

Crime-Fraud Exception

In his March 15, 2013, opinion, Judge Kaplan found probable cause to believe that a crime or fraud had been committed in

connection with the conduct discussed above. He did not, however, determine that any particular communications were made in furtherance of the crime or fraud. Chevron Corp. v. Donziger, 11 Civ. 691, 2013 WL 1975439, at *1 (S.D.N.Y. May 14, 2013) (“[In the March 15 decision,] the Court did not order production of any [Patton Boggs] documents as to which there are any unresolved claims of opinion work product or attorney-client privilege because it remains to be determined whether and to what extent the second prong of the crime-fraud exception -- the ‘in furtherance’ requirement -- is satisfied.”). “[T]he crime-fraud exception applies only where there is probable cause to believe that the particular communication with counsel or attorney work product was intended in some way to facilitate or to conceal the criminal activity.” In re Richard Roe, Inc., 68 F.3d 38, 40 (2d Cir. 1995); accord Thai-Lao Lignite (Thailand) Co. v. Government of Lao People’s Democratic Republic, __ F. Supp. 2d __, 2013 WL 2154389, at *1 (S.D.N.Y. 2013); Amusement Industry, Inc. v. Stern, __ F.R.D. __, 2013 WL 498724, at *3 (S.D.N.Y. 2013); Kyoei Fire & Marine Insurance Co. v. M/V Maritime Antalya, 248 F.R.D. 126, 154 (S.D.N.Y. 2007). Accordingly, “the crime-fraud exception does not apply simply because privileged communications would provide an adversary with evidence of a crime or fraud.” Richard Roe, 68 F.3d at 40. Here, many of the disputed documents can not be said to

facilitate or conceal any of the wrongful conduct, even if they might be relevant to it. Those documents are therefore designated as properly withheld in Appendix A attached to this Memorandum and Order.

Some of the disputed documents relate to the cleansing reports. Those documents necessarily pertain in some respect to the Cabrera fraud, since the cleansing reports were designed to allow the LAPs to obtain a favorable result without relying on Mr. Cabrera. However, since Judge Kaplan has found that there is insufficient evidence to find probable cause that the cleansing reports themselves are fraudulent, the communications related to those reports retain their status as opinion work product.

In some instances, Chevron argues that a document must be disclosed because it was "authored, sent and/or received by the Ecuadorian representatives who have refused to comply with discovery orders in this case." (Plaintiff Chevron Corporation's Motion to Compel Patton Boggs to Produce Documents on Its Privilege Log at 1). This contention misconstrues Judge Kaplan's March 15, 2013, decision. There he concluded that the refusal of the LAPs to cooperate in discovery provided Chevron with a compelling need to obtain ordinary work product that would otherwise be protected. Chevron Corp., 2013 WL 1087236, at *20-22, 26. He did not find that the failure to cooperate provides an independent basis for

requiring disclosure of privileged documents or opinion work product. Therefore, unless such documents are subject to the crime-fraud exception, they need not be disclosed.

Next, there are numerous documents that are subject to disclosure because, even though they are opinion work product, there is probable cause to believe that they were used to facilitate or conceal one of the enumerated criminal or fraudulent activities. In Appendix A they have been designated for production and the relevant crime-fraud activity has been identified.²

Three documents, numbers 0793, 0885, and 0890 on the privilege log, cannot be characterized as furthering any crime or fraud. However, they must be disclosed because they are documents related to public relations efforts that are neither privileged nor protected as work product in the first place. Such communications, although they may assist counsel in formulating legal advice, are not generally protected by the attorney-client privilege. See Calvin Klein Trademark Trust v. Wachner, 198 F.R.D. 53, 54 (S.D.N.Y. 2000). "It may be that the modern client comes to court as prepared to massage the media as to persuade the judge; but nothing in the client's communications for the former purpose

² A few documents are handwritten and are not sufficiently legible to allow for a determination. Patton Boggs shall therefore submit typed versions of documents 0120 and 0123 for in camera review.

constitutes the obtaining of legal advice or justifies a privileged status." Id. at 55 (footnote omitted); see also Haugh v. Schroder Investment Management North America Inc., No. 02 Civ. 7955, 2003 WL 21998674, at *3 (S.D.N.Y. Aug. 25, 2003) ("A media campaign is not a litigation strategy."). With respect to work product,

as a general matter public relations advice, even if it bears on anticipated litigation, falls outside the ambit of protection of the so-called "work product" doctrine embodied in Rule 26(b)(3), Fed. R. Civ. P. That is because the purpose of the rule is to provide a zone of privacy for strategizing about the conduct of litigation itself, not for strategizing about the effects of the litigation on the client's customers, the media, or on the public generally.

Calvin Klein, 198 F.R.D. at 55.

Finally, Patton Boggs has already disclosed some previously disputed documents in whole or in redacted form. If disclosed in their entirety, they are designated in Appendix A as already produced. If they were disclosed in redacted form, the designation in Appendix A refers to my ruling with respect to the redacted portion.

Privilege Log Descriptions

Pursuant to Local Civil Rule 26.2(a)(2)(A), a party asserting the attorney-client privilege or work product protection with respect to any document must provide:

- (i) the type of document, e.g., letter or memorandum;
- (ii) the general subject matter of the document; (iii) the date of the document; and (iv) the author of the

document, the addressees of the document, and any other recipients, and, where not apparent, the relationship of the author, addressees, and recipients to each other.

Moreover, the log must "provide[] information about the nature of the withheld documents sufficient to enable the receiving party to make an intelligent determination about the validity of the assertion of the privilege." Automobile Club of New York, Inc. v. Port Authority of New York & New Jersey, ___ F.R.D. ___, 2013 WL 1903782, at *4 (S.D.N.Y. 2013); accord In re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation, 274 F.R.D. 106, 112 (S.D.N.Y. 2011); Orbit One Communications, Inc. v. Numerex Corp., 255 F.R.D. 98, 109 (S.D.N.Y. 2008).

In general, the disputed items in Patton Boggs' privilege log conform to these requirements. However, two categories of descriptions are too cryptic to give Chevron any basis for assessing the validity of the asserted privilege or work product protection. Some documents are simply identified as, for example, "Compilation of materials assembled by counsel in preparation of for litigation strategy meeting with co-counsel in furtherance of litigation, and reflecting mental impressions, legal analysis and legal strategy." Absent disclosure of the topics under discussion, Chevron is unable to assess whether the document in question might be in furtherance of a crime or fraud. Similarly, some documents are merely designated as deposition preparation outlines or draft

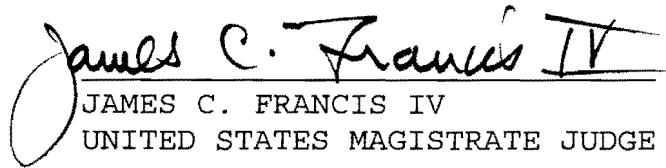
portions of deposition preparation binders. Again, without identification of the deponent, Chevron cannot fairly evaluate the claimed protection from disclosure. Patton Boggs shall therefore produce a modified description of the documents identified in Appendix B with sufficient detail to permit an assessment of the claim of privilege or work product.

In light of the volume of documents involved, I will defer in camera inspection of them until the revised descriptions have been submitted and Chevron has had the opportunity to identify which, if any, it believes to be in furtherance of a crime or fraud or otherwise subject to disclosure.

Conclusion

For the reasons set forth above, by July 26, 2013, Patton Boggs shall produce the documents identified in Appendix A as subject to disclosure and shall produce a revised privilege log with modified descriptions of the documents identified in Appendix B. It shall also submit forthwith for in camera inspection typed versions of the two handwritten documents. To the extent that Chevron requests in camera review of any of the documents for which Patton Boggs supplies revised descriptions, it shall do so by August 2, 2013, and shall articulate the basis for each such request.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 19, 2013

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APPENDIX A

Priv. Log ID No.	Produce	Rationale
0059	Yes	Cabrera fraud
0076	No	Opinion work product, not within crime/fraud exception
0120	No	Resubmit in typed form
0123	No	Resubmit in typed form
0179	No	Related to cleansing reports
0180	No	Related to cleansing reports
0181	No	Related to cleansing reports
0182	No	Related to cleansing reports
0183	No	Related to cleansing reports
0192	No	Opinion work product, not within crime/fraud exception
0193	No	Opinion work product, not within crime/fraud exception
0207	Yes	Section 1782 proceeding fraud
0208	Yes	Section 1782 proceeding fraud
0356	Yes	Cabrera fraud
0357	Yes	Cabrera fraud
0358	Yes	Cabrera fraud
0359	Yes	Cabrera fraud
0360	Yes	Cabrera fraud
0361	Yes	Cabrera fraud
0362	Yes	Cabrera fraud

0363	Yes	Cabrera fraud
0364	Yes	Cabrera fraud
0365	Yes	Cabrera fraud
0366	Yes	Cabrera fraud
0367	Yes	Cabrera fraud
0368	Yes	Cabrera fraud
0373	Yes	Cabrera fraud
0374	Yes	Cabrera fraud
0375	Yes	Cabrera fraud
0376	Yes	Cabrera fraud
0415	No	Opinion work product, not within crime/fraud exception
0452	No	Opinion work product, not within crime/fraud exception
0453	No	Opinion work product, not within crime/fraud exception
0454	No	Opinion work product, not within crime/fraud exception
0455	No	Opinion work product, not within crime/fraud exception
0457	No	Related to cleansing reports
0465	Yes	Already produced
0467	No	Opinion work product, not within crime/fraud exception
0471	No	Opinion work product, not within crime/fraud exception
0474	Yes	Cabrera fraud
0475	Yes	Cabrera fraud
0476	Yes	Cabrera fraud
0628	Yes	Cabrera fraud

0629	No	Opinion work product, not within crime/fraud exception
0630	Yes	Cabrera fraud
0631	Yes	Cabrera fraud
0632	Yes	Cabrera fraud
0633	Yes	Cabrera fraud
0641	No	Opinion work product, not within crime/fraud exception
0728	No	Opinion work product, not within crime/fraud exception
0757	Yes	Cabrera fraud
0758	Yes	Cabrera fraud
0759	Yes	Cabrera fraud
0787	No	Opinion work product, not within crime/fraud exception
0793	No	Opinion work product, not within crime/fraud exception
0795	No	Opinion work product, not within crime/fraud exception
0796	No	Opinion work product, not within crime/fraud exception
0797	No	Opinion work product, not within crime/fraud exception
0798	No	Opinion work product, not within crime/fraud exception
0799	No	Opinion work product, not within crime/fraud exception
0811	No	Opinion work product, not within crime/fraud exception
0812	No	Opinion work product, not within crime/fraud exception
0813	No	Opinion work product, not within crime/fraud exception

		exception
0814	No	Opinion work product, not within crime/fraud exception
0815	No	Opinion work product, not within crime/fraud exception
0819	No	Opinion work product, not within crime/fraud exception
0825	No	Opinion work product, not within crime/fraud exception
0826	Yes	Already produced
0827	Yes	Already produced
0828	Yes	Already produced
0829	Yes	Already produced
0859	No	Opinion work product, not within crime/fraud exception
0860	No	Opinion work product, not within crime/fraud exception
0861	No	Opinion work product, not within crime/fraud exception
0867	No	Opinion work product, not within crime/fraud exception
0868	No	Opinion work product, not within crime/fraud exception
0870	No	Opinion work product, not within crime/fraud exception
0885	No	Opinion work product, not within crime/fraud exception
0890	No	Opinion work product, not within crime/fraud exception
0898	Yes	Already produced
0899	Yes	Already produced
0900	Yes	Already produced

0901	Yes	Already produced
0902	Yes	Already produced
0908	No	Opinion work product, not within crime/fraud exception
0909	No	Opinion work product, not within crime/fraud exception
0910	Yes	Cabrera fraud
0911	No	Opinion work product, not within crime/fraud exception
0916	No	Opinion work product, not within crime/fraud exception
0917	No	Opinion work product, not within crime/fraud exception
0926	No	Opinion work product, not within crime/fraud exception
0927	No	Opinion work product, not within crime/fraud exception
0930	No	Opinion work product, not within crime/fraud exception
0932	Yes	Already produced
0933	Yes	Already produced
0934	No	Opinion work product, not within crime/fraud exception
0947	No	Opinion work product, not within crime/fraud exception
0949	No	Opinion work product, not within crime/fraud exception
0965	Yes	Cabrera fraud
0971	Yes	Cabrera fraud
1015	Yes	Section 1782 proceeding fraud
1016	Yes	Section 1782 proceeding fraud
1017	Yes	Section 1782 proceeding fraud

1018	Yes	Section 1782 proceeding fraud
1019	Yes	Section 1782 proceeding fraud
1020	Yes	Section 1782 proceeding fraud
1021	Yes	Section 1782 proceeding fraud
1022	Yes	Section 1782 proceeding fraud
1023	Yes	Section 1782 proceeding fraud
1024	Yes	Section 1782 proceeding fraud
1025	Yes	Section 1782 proceeding fraud
1026	Yes	Section 1782 proceeding fraud
1027	Yes	Section 1782 proceeding fraud
1028	Yes	Section 1782 proceeding fraud
1029	Yes	Section 1782 proceeding fraud
1030	Yes	Section 1782 proceeding fraud
1031	Yes	Section 1782 proceeding fraud
1032	Yes	Section 1782 proceeding fraud
1033	Yes	Section 1782 proceeding fraud
1034	Yes	Section 1782 proceeding fraud
1035	Yes	Section 1782 proceeding fraud
1036	Yes	Section 1782 proceeding fraud
1037	Yes	Section 1782 proceeding fraud
1038	Yes	Section 1782 proceeding fraud
1039	Yes	Section 1782 proceeding fraud
1040	Yes	Section 1782 proceeding fraud
1041	Yes	Section 1782 proceeding fraud
1042	Yes	Section 1782 proceeding fraud
1043	Yes	Section 1782 proceeding fraud
1044	Yes	Section 1782 proceeding fraud

1045	Yes	Section 1782 proceeding fraud
1048	No	Opinion work product, not within crime/fraud exception
1049	No	Opinion work product, not within crime/fraud exception
1062	No	Opinion work product, not within crime/fraud exception
1063	No	Opinion work product, not within crime/fraud exception
1064	No	Opinion work product, not within crime/fraud exception
1065	No	Opinion work product, not within crime/fraud exception
1066	No	Opinion work product, not within crime/fraud exception
1067	No	Opinion work product, not within crime/fraud exception
1068	No	Opinion work product, not within crime/fraud exception
1069	No	Opinion work product, not within crime/fraud exception
1070	No	Opinion work product, not within crime/fraud exception
1071	No	Opinion work product, not within crime/fraud exception
1072	No	Opinion work product, not within crime/fraud exception
1073	No	Opinion work product, not within crime/fraud exception
1074	No	Opinion work product, not within crime/fraud exception
1075	No	Opinion work product, not within crime/fraud exception

1076	No	Opinion work product, not within crime/fraud exception
1077	No	Opinion work product, not within crime/fraud exception
1078	No	Opinion work product, not within crime/fraud exception
1079	No	Opinion work product, not within crime/fraud exception
1080	No	Opinion work product, not within crime/fraud exception
1081	No	Opinion work product, not within crime/fraud exception
1082	No	Opinion work product, not within crime/fraud exception
1084	Yes	Cabrera fraud
1085	Yes	Cabrera fraud
1086	Yes	Cabrera fraud
1087	Yes	Cabrera fraud
1099	No	Opinion work product, not within crime/fraud exception
1114	No	Opinion work product, not within crime/fraud exception
1115	No	Opinion work product, not within crime/fraud exception
1118	No	Opinion work product, not within crime/fraud exception
1120	No	Opinion work product, not within crime/fraud exception
1121	No	Opinion work product, not within crime/fraud exception
1123	No	Opinion work product, not within crime/fraud exception
1139	Yes	Section 1782 proceeding fraud

1140	Yes	Section 1782 proceeding fraud
1141	Yes	Section 1782 proceeding fraud
1142	Yes	Ordinary work product
1143	Yes	Section 1782 proceeding fraud
1144	Yes	Section 1782 proceeding fraud
1145	No	Opinion work product, not within crime/fraud exception
1146	No	Opinion work product, not within crime/fraud exception
1147	No	Opinion work product, not within crime/fraud exception
1148	No	Opinion work product, not within crime/fraud exception
1168	No	Opinion work product, not within crime/fraud exception
1169	No	Opinion work product, not within crime/fraud exception
1170	No	Opinion work product, not within crime/fraud exception
1171	Yes	Cabrera fraud
1174	Yes	Cabrera fraud
1175	Yes	Cabrera fraud
1176	Yes	Cabrera fraud
1177	Yes	Cabrera fraud
1178	Yes	Cabrera fraud
1179	Yes	Cabrera fraud
1180	Yes	Cabrera fraud
1188	Yes	Cabrera fraud
1191	Yes	Cabrera fraud
1192	Yes	Cabrera fraud

1195	Yes	Cabrera fraud
1196	Yes	Cabrera fraud
1197	Yes	Cabrera fraud
1200	Yes	Cabrera fraud
1201	Yes	Cabrera fraud
1202	Yes	Cabrera fraud
1203	Yes	Cabrera fraud
1204	Yes	Cabrera fraud
1205	Yes	Cabrera fraud
1206	Yes	Cabrera fraud
1207	Yes	Cabrera fraud
1208	Yes	Cabrera fraud
1209	Yes	Cabrera fraud
1210	Yes	Cabrera fraud
1211	Yes	Cabrera fraud
1212	Yes	Cabrera fraud
1213	Yes	Cabrera fraud
1214	Yes	Cabrera fraud
1215	Yes	Cabrera fraud
1216	Yes	Cabrera fraud
1217	Yes	Cabrera fraud
1218	Yes	Cabrera fraud
1219	Yes	Cabrera fraud
1220	Yes	Cabrera fraud
1221	Yes	Cabrera fraud
1222	Yes	Cabrera fraud
1223	Yes	Cabrera fraud

1224	Yes	Cabrera fraud
1225	Yes	Cabrera fraud
1226	Yes	Cabrera fraud
1228	Yes	Already produced
1267	Yes	Cabrera fraud
1268	Yes	Cabrera fraud
1317	No	Opinion work product, not within crime/fraud exception
1318	No	Opinion work product, not within crime/fraud exception
1319	No	Opinion work product, not within crime/fraud exception
1320	No	Opinion work product, not within crime/fraud exception
1321	No	Opinion work product, not within crime/fraud exception
1322	No	Opinion work product, not within crime/fraud exception
1323	No	Opinion work product, not within crime/fraud exception
1324	No	Opinion work product, not within crime/fraud exception
1325	No	Opinion work product, not within crime/fraud exception
1329	Yes	Section 1782 proceeding fraud
1330	Yes	Section 1782 proceeding fraud
1331	Yes	Section 1782 proceeding fraud
1332	Yes	Section 1782 proceeding fraud
1351	Yes	Section 1782 proceeding fraud
1352	Yes	Section 1782 proceeding fraud
1353	Yes	Section 1782 proceeding fraud

1354	Yes	Section 1782 proceeding fraud
1356	Yes	Already produced
1357	No	Opinion work product, not within crime/fraud exception
1363	No	Opinion work product, not within crime/fraud exception
1364	No	Opinion work product, not within crime/fraud exception
1365	No	Opinion work product, not within crime/fraud exception
1367	Yes	Already produced
1368	Yes	Already produced
1369	Yes	Already produced
1370	Yes	Already produced
1371	Yes	Already produced
1372	Yes	Already produced
1373	Yes	Already produced
1374	Yes	Already produced
1375	Yes	Already produced
1376	Yes	Already produced
1377	Yes	Already produced
1378	Yes	Already produced
1379	Yes	Already produced
1382	Yes	Cabrera fraud
1383	Yes	Cabrera fraud
1384	Yes	Cabrera fraud
1385	Yes	Cabrera fraud
1386	Yes	Cabrera fraud
1515	No	Opinion work product, not within crime/fraud

		exception
1516	No	Opinion work product, not within crime/fraud exception
1517	No	Opinion work product, not within crime/fraud exception
1539	No	Opinion work product, not within crime/fraud exception
1540	No	Opinion work product, not within crime/fraud exception
1541	No	Opinion work product, not within crime/fraud exception
1542	No	Opinion work product, not within crime/fraud exception
1602	No	Opinion work product, not within crime/fraud exception
1603	No	Opinion work product, not within crime/fraud exception
1604	No	Opinion work product, not within crime/fraud exception
1605	No	Opinion work product, not within crime/fraud exception
1606	No	Opinion work product, not within crime/fraud exception
1607	No	Opinion work product, not within crime/fraud exception
1622	No	Opinion work product, not within crime/fraud exception
1623	Yes	Section 1782 proceeding fraud
1624	No	Opinion work product, not within crime/fraud exception
1627	No	Opinion work product, not within crime/fraud exception
1629	No	Opinion work product, not within crime/fraud

		exception
1630	Yes	Section 1782 proceeding fraud
1633	No	Opinion work product, not within crime/fraud exception
1640	No	Opinion work product, not within crime/fraud exception
1641	No	Opinion work product, not within crime/fraud exception
1642	No	Opinion work product, not within crime/fraud exception
1643	Yes	Section 1782 proceeding fraud
1651	Yes	Cabrera fraud
1654	Yes	Cabrera fraud
1655	Yes	Cabrera fraud
1656	Yes	Cabrera fraud
1660	Yes	Cabrera fraud
1661	Yes	Cabrera fraud
1662	Yes	Cabrera fraud
1663	Yes	Cabrera fraud
1664	Yes	Cabrera fraud
1665	Yes	Cabrera fraud
1666	Yes	Cabrera fraud
1667	Yes	Cabrera fraud
1670	No	Opinion work product, not within crime/fraud exception
1671	Yes	Cabrera fraud
1672	Yes	Cabrera fraud
1673	Yes	Cabrera fraud
1675	Yes	Cabrera fraud

1676	Yes	Cabrera fraud
1677	Yes	Cabrera fraud
1678	Yes	Cabrera fraud
1679	Yes	Cabrera fraud
1680	Yes	Cabrera fraud
1681	Yes	Cabrera fraud
1682	Yes	Cabrera fraud
1683	Yes	Cabrera fraud
1684	Yes	Cabrera fraud
1685	Yes	Cabrera fraud
1686	Yes	Cabrera fraud
1687	Yes	Cabrera fraud
1688	Yes	Cabrera fraud
1689	Yes	Cabrera fraud
1690	Yes	Cabrera fraud
1698	Yes	Section 1782 proceeding fraud
1779	Yes	Section 1782 proceeding fraud
1780	Yes	Section 1782 proceeding fraud
2284	Yes	Calmbacher fraud
2285	Yes	Calmbacher fraud
2286	Yes	Calmbacher fraud
2346	Yes	Cabrera fraud
2352	No	Opinion work product, not within crime/fraud exception
2438	Yes	Cabrera fraud
2449	No	Opinion work product, not within crime/fraud exception
2450	No	Opinion work product, not within crime/fraud

		exception
2451	No	Opinion work product, not within crime/fraud exception
2452	No	Opinion work product, not within crime/fraud exception
2453	No	Opinion work product, not within crime/fraud exception
2454	No	Opinion work product, not within crime/fraud exception

APPENDIX B

Documents requiring revised descriptions by privilege log ID
number:

0021

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0752

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0842

0846

0848

0850

0881

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0192

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